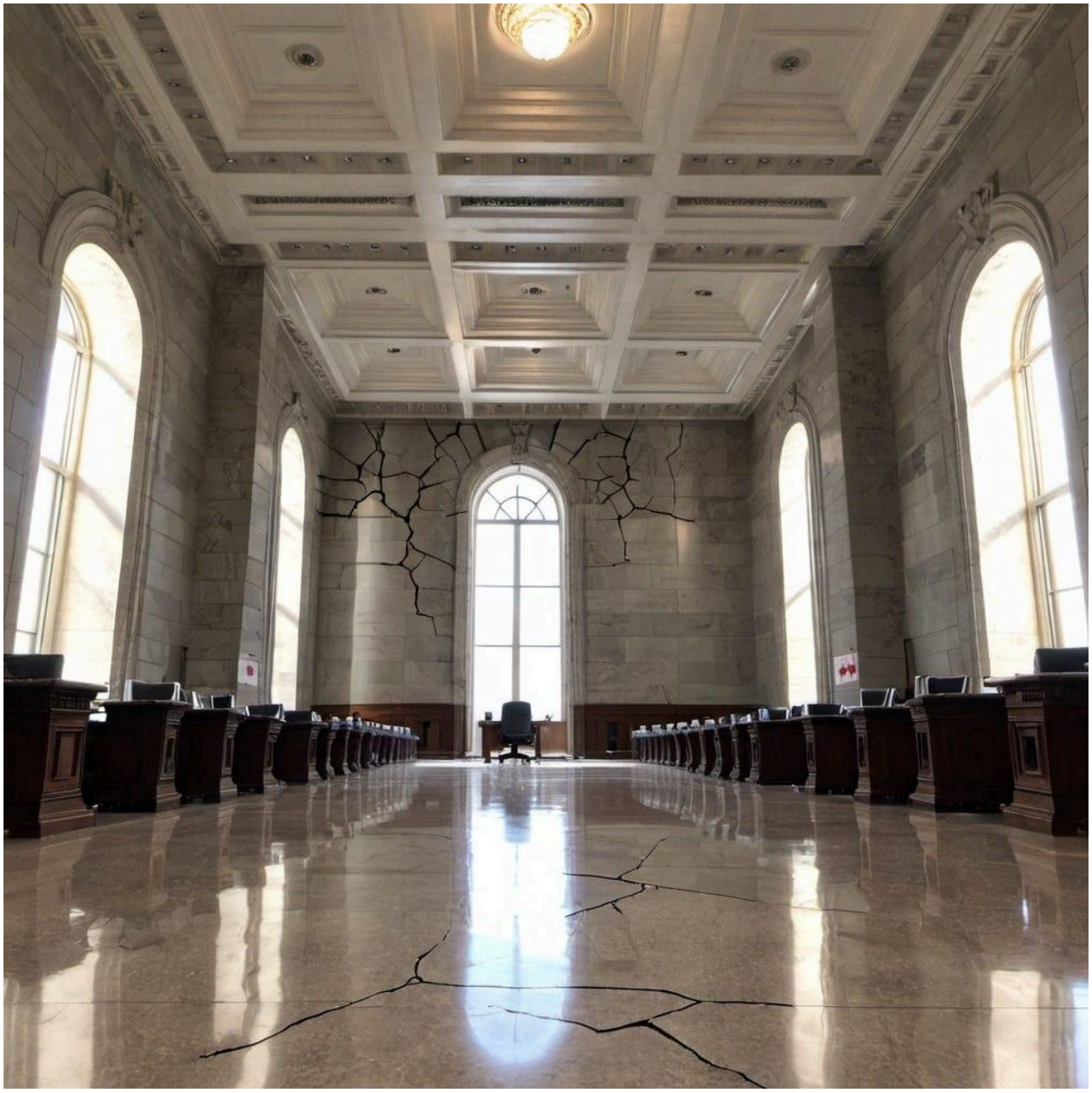

On August 17, Justin Trudeau named Tracy Muggli and Charles Adler as new senators for Manitoba. Both senators were appointed as "independents", which ostensibly means that they should lack any partisan political affiliation. Right? Wrong. Tracy Muggli was a Liberal

candidate in both the 2015 and 2019 federal elections and has donated to the Liberal party countless times. Charles Adler used to be a conservative, yet has become a partisan Liberal supporter in recent years. The transparent phoniness of the independence of these senators cast a light on something that has become obvious in recent years: the Senate is a mess, and Justin Trudeau's half-hearted attempt at reform failed. With that in mind, let's examine why the Senate is broken, why Justin Trudeau's strategy of appointing "independent" senators didn't work, and what needs to happen in order to transform the Senate into a truly democratic institution.

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Why is the Senate Broken?

The Senate has long been the laughingstock of Canadian politics, with approval ratings for the institution hovering around an abysmal 5%. But

why is this? There are five main reasons, all of which I will outline below.

1. The Senate is, and has always been, a blatantly anti-democratic institution. Senators are directly appointed to their positions by the Prime Minister, which gives the general public absolutely no role in deciding what the Senate's composition should be.
2. Like the House of Commons, Senate seats are divided between the provinces and territories. Unlike the House of Commons, however, where seats are assigned according to population, the Senate assigns seats based on a completely arbitrary formula of "regions". Ontario and Quebec both receive 24 seats, Nova Scotia and New Brunswick both get 10; British Columbia, Alberta, Newfoundland and Labrador, Saskatchewan, and Manitoba receive 6 seats each, Prince Edward Island is awarded 4, while each of the territories gets a single Senate seat. Based on this system, there is a senator for every 933,000 people in British Columbia and one for every 38,500 people on Prince Edward Island.
3. Once senators are appointed, they can serve continuously until they die, resign, or reach the age of 75. This means that there is little in the way of mechanisms to hold them accountable for their actions in public office, as they can't be thrown out of office in an election. The sheer length of Senate terms also

allows a Prime Minister, if he has appointed a large number of senators, to have a significant impact on the composition of the body long after he has left office. A consequence of this could be that a departed Prime Minister's ideological preferences remained dominant within the Senate during the reign of another Prime Minister, even if that new Prime Minister has an ideology that wildly differs from that of his predecessor.

4. Senators often find themselves embroiled in scandals surrounding their lavish spending on personal expenses. This, paired with the fact that all senators are unelected, lends the Senate its reputation as a decadent and elitist institution.
5. The Senate plays a minimal role in the legislative process in Canada, with it mostly serving as a ceremonial "rubber stamp" that automatically approves legislation passed by the House of Commons. Because of the Senate's negative image, to do otherwise would be massively controversial.

What were Justin Trudeau's Senate reforms, and why did they fail?

Following a particularly notorious scandal surrounding the expenses of senators in 2012 and 2013 (it involved a $90 000 cheque sent by the PMO's chief of staff to senator Mike Duffy), there was a renewed interest in Senate reform when Justin Trudeau became leader of the Liberal

Party. The Conservative government at the time was toying with the idea of creating an entirely elected Senate, with this interest in reform partly stemming from a desire to bury their involvement in the scandals that had recently transpired. However, their vision of an elected Senate would require a constitutional change, something that Trudeau had no desire to do. Instead, he tried to sculpt a new identity for the Senate that relied on it being perceived as an independent institution, stocked with thoughtful, competent people who lacked even the slightest hint of partisan bias or affiliation. To do this, he started by expelling all the Liberal senators from the Liberal Party, making them all independents against their will and ending the existence of the long-standing Liberal Senate caucus. This move ensured that this vision for a supposedly "independent" senate would always be a complete farce, as all of these freshly minted "independent" senators had been partisan Liberals just minutes before they were expelled from caucus. Presuming that all of these senators didn't change their ideological orientation following this expulsion, the number of senators with Liberal views stayed the same. Yet they had now been airbrushed with this patina of independence,

which would improve their reputation yet mask the fact that little about the Senate's operations had actually changed.

Following the 2015 Federal Election, all senators appointed by Justin Trudeau were officially designated as "independent", and any attempts at Senate reform beyond this change were swept by the wayside. The Senate continued functioning similarly to how it had before, except for the fact that no egregious spending scandals occurred. However, those "independent" senators sided most of the time with the Liberal position when voting on legislation. Due to the Liberal composition of the government, though, this caused minimal problems and the Senate did what many dysfunctional Canadian institutions do: it disappeared from the public eye.

Why is Senate Reform needed now, and what needs to be done?

Last year, significant changes in polling numbers roiled the Canadian political landscape as Pierre Poilievre's Conservatives slid into a commanding lead, with a once-in-a-generation 200+ seat majority

government looking like a possibility. This inevitably begged the question: how would all these ostensibly "independent" senators react to this new government? These senators might not officially be Liberals, but they likely hold a broadly progressive worldview that stands in stark contrast to Poilievre's center-right agenda. Although this question remains to be answered as the 45th Canadian Federal Election has yet to occur, it seems likely that the composition of the Senate could cause headaches for a Poilievre government, even if that government comes to power by winning over 200 seats. The possibility that legislation passed overwhelmingly by the House of Commons could be rejected by the Senate, even if most of that Senate was appointed by a departed Prime Minister, remains a frightening possibility, and is one of the core reasons why Senate reform is so urgently needed. Such a situation would represent a thwarting of the will of the people, a triumph of a corrupt and self-serving elite over the millions of voters who will elect this future government. From there, things could spiral out of control, provided the Canadian public abandons its apathy and realizes that it has been taken for a ride. Starting the Senate reform process as soon as a Poilievre

government takes power, however, could prevent such a scenario from occurring, or at least ensure that such gridlock would not drag on too long.

Before I describe my preferred set of reforms for the Senate, I will take a brief detour and describe something else. That is, why I reject the much-discussed option of simply abolishing the Senate altogether. Abolishing the Senate has long been the NDP's official position, which is why no senators are allowed to form an NDP caucus within the Senate. This position, on the surface, can seem compelling. After all, if an institution is as blatantly corrupt, elitist, and dysfunctional as the Senate is, why not just abolish it entirely? My skepticism of this stance lies in doing something that is, in fact, quite counter to the general theme of my campaign: recognizing the value of existing institutions, despite their flaws. In its current form, the Senate is undoubtedly one of the worst institutions in the Canadian federal government - yet it still could theoretically act as a necessary check against the power of the House of Commons.

Many of the proposals I have laid out on this substack so far have rested on the notion that our democracy - and country writ large - would be improved if power were taken away from elites and put in the hands of the citizenry. And although there is substantial merit to this position (I wouldn't have rolled out policies based on it if I thought it was false), it inevitably runs up against certain limitations. One of those limitations - in my opinion - is that Parliament should always be bicameral.

In short, this is why I favour the establishment of an elected Senate. Putting senators up for election every few years would make them more accountable to the Canadian public - but a bicameral legislature would still be maintained.

What would an elected Senate look like?

Even once the premise that senators should be elected has been settled on, there are still distinct characteristics of this newly reformed institution that would need to be selected for, with these selections

oriented this new Senate in either a more majoritarian - or more minoritarian - direction.

For starters, it would need to be decided whether this new Senate distributed seats to the provinces (and territories) based on the population size of these jurisdictions - or if an equal number of seats is given to each province, which would make the institution more similar to the Senate in the U.S. Personally, I would favour distributing seats based on population; a Senate that gave equal numbers of seats to each province would give provinces with small number of inhabitants - such as those in Atlantic Canada - disproportionate power.

The length of the term that senators would serve between elections would also have to be decided on. Senators in the U.S. serve six-year terms, which means that their election years will coincide with presidential election years 50% of the time. Canada has fixed federal elections every four years - yet governments can still fall by way of non-confidence motions before those four years are up. Despite the relative unpredictability of federal elections in Canada, I would still

support syncing elections for the House of Commons with elections for the Senate. This would ensure that the ideological compositions of both chambers would be similar, thus avoiding the partisan gridlock that so often ensnares the U.S. Congress.

Finally, the total number of Senate seats could potentially be raised or lowered. Raising the number of seats would dilute the importance of each seat, and make the institution more similar in nature to the House of Commons; lowering the number of seats would do the opposite. Although the number of seats in the Senate is consequential to some extent, I think this question has less importance than the previous two - which is why I would set the number of Senate seats at 101, only slightly down from the current 105. 100 of those seats would be allocated to the provinces based on population size, with the number of seats a province has changing every decade to reflect relative population changes. One seat, however, would be set aside to represent the three territories. As the territories only comprise 0.32% of Canada's population, they would receive no representation in a purely population-based model - yet I

think such vast swaths of land that are of great economic and geostrategic importance ought to have representation in the Senate, thus an exception to the rule needs to be made.

Final Thoughts

The reforms I proposed above all come with a big asterisk attached to them - that is, they would require a constitutional amendment to be implemented. This argument has often been sufficient to single-handedly derail any talk of Senate reform beyond the incrementalist approach taken by Justin Trudeau, as there seems to be a great deal of fear and caution surrounding anything to do with constitutional changes in Canada more broadly. Perhaps this has to do with the fact that the last two proposals for constitutional change - the Meech Lake Accord and the Charlottetown Accord - both failed. Yet the Charlottetown Accord, the latest of these proposals, came before the public in a referendum in 1992. For the past 32 years, we've been timid and complacent as a country, too afraid of putting forward innovations to improve our constitution and strengthen our democracy. But given the

deep wells of dissatisfaction with the government that are present in modern Canada, I think now is the time for reforms that are more than incremental. If we don't take this opportunity, however, the result will be the deepening of the rift between the political class and the common people.

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